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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,557	07/08/2003	Saturo Yamada	JP919970025US2(RE) (8728-	8603
7590 06/24/2004 F. Chau & Associates,LLP 1900 Hempstead Turnpike, Suite 501 East Meadow, NY 11554			EXAMINER KUMAR, SRILAKSHMI K	
			ART UNIT 2675	PAPER NUMBER

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,557

Applicant(s)

YAMADA ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

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Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

The following is in response to the filed reissue. The present application adds new claims 9-14 to the already allowed claims 1-8, which remain unchanged.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 9-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to independent claims 9 and 13, Applicant discloses an apparatus comprising an information processing system having a display, a keyboard, a lever input device embedding in the keyboard and three buttons, and a graphical user interface cooperating with said information processing system to display a cursor at a coordinate position on the display designated by a manipulation of the lever input device and to scroll within a displayed window by manipulation of the lever input device when a third of the three buttons is depressed. The feature of, to scroll within a displayed window by manipulation of the lever input device when a third of the three buttons is depressed is not shown in the specification or in the figures of the application. Examiner requests the applicant to point out where in the specification this feature is disclosed.

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With respect to dependent claims 10-12, these claims are rejected under 35 USC 112 rejection as they depend upon a rejected base claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siddiqui et al (US 6,097,371).

As to independent claim 14, Siddiqui et al disclose an information processing apparatus, comprising; a notebook computer system having a display, a keyboard (col. 1, lines 12-30). Although Siddiqui et al do not disclose where the information processing apparatus comprises a notebook computer system having a display and a keyboard, it would have been obvious to one of ordinary skill in the art that the computer input device apparatus of Siddiqui et al would include a computer, keyboard and display, as would be required for the use of a computer input device. Siddiqui et al disclose a pointing device (Fig. 1, item 101, col. 6, lines 63-col. 7, lines 11), a left button, a right button (Fig. 1, items 104 and 105), and a middle button (Fig. 1, item 106); Although Siddiqui et al disclose the middle button as a wheel in col. 7, lines 1-17, it would have been obvious to one of ordinary skill in the art to use the wheel (106) as a button as Siddiqui et al disclose that the wheel may be depressed in the fashion that a button would be depressed in col. 7, lines 11-17; and a graphical user interface cooperating with said notebook computer system to display a cursor at a coordinate position on the display designated by

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manipulation of the pointing device and to control system functions (col. 7, lines 18-26), wherein the pointing device, three buttons and said graphical user interface cooperate to activate a software program associated with a selected displayed icon when the left button is depressed, to display software program characteristics when the right button is depressed. Although Siddiqui et al do not disclose where depressing the left button activates a software program associated with a selected displayed icon and where depressing the right button displays software program characteristics, it would have been obvious to one of ordinary skill in the art that these features are well known in the computer mouse art as the majority of computer mouse input devices with two or more buttons have these features.

and to scroll within a displayed window by manipulation of the pointing device when the middle button is depressed (col. 8, lines 35-60, .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 703 306 5575. The examiner can normally be reached on 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, xxxx xxxx can be reached on xxx xxx xxxx. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar
Examiner
Art Unit 2675

SKK
June 22, 2004


DENNIS-DOON CHOW
PRIMARY EXAMINER

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